

## REMARKS/ARGUMENTS

### **Claim Objections**

The Office objected the claims as being misnumbered. As the instant application is a US national phase filing of a corresponding PCT application, and as the PCT application designated the US, the PCT application is treated as if originally filed in the US. Therefore, in accordance with 37 CFR 1.126, the claim numbering is maintained with respect to the original filing, which is also reflected in the PAIR entry of 12-22-04. The applicant will renumber the claims should the office insist on such action.

### **Specification Objection**

The Office objected the specification for making reference to an application that has issued. The applicant agrees and amended the specification accordingly. The reference to serial number 09/831,582 was replaced with a reference to issued U.S. Pat. No. 6,645,446.

### **35 USC 112, second paragraph**

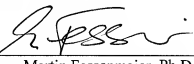
The Office rejected claims 1-19 as being indefinite for reciting method steps in a device claim. The applicant agrees to some degree and disagrees in others (It is noted that functional language does not, in and of itself, render a claim improper. *In re Swinehart*, 439 F.2d 210, 169 USPQ 226 (CCPA 1971) or *In re Innova/Pure Water Inc. v. Safari Water Filtration Sys. Inc.*, 381 F.3d 1111, 1117-20, 72 USPQ2d 1001, 1006-08 (Fed. Cir. 2004)).

Nevertheless, the applicant amended the claims drawn to plant configurations to even more clearly identify all elements in terms of structural language. No new matter was added by virtue of the amendments.

**Request For Allowance**

Claims 1 and 3-20 are pending in this application. The applicant requests allowance of all pending claims.

Respectfully submitted,  
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